

THE WORLD'S LEADING MYSTERY MAGAZINE

ELLERY QUEEN

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a NEW Henry Turnbuckle story by

JACK RITCHIE

"Henry," Ralph said admiringly, "you can get more out of less than anybody I know . . ."

THE O'LEARY CONSPIRACY

by JACK RITCHIE

I regarded the cigarette butt wedged in the ashtray slot. "The victim lit a cigarette, took a puff or two, and put the cigarette down. Moments later, he was shot. However, the cigarette continued to burn, as cigarettes will, until it reached the point at which it was wedged and then it went out. You will notice that the cigarette ash dropped from the butt in one piece. It was not tapped off in sections as would normally happen if the victim had continued to smoke."

"That's fine, Henry," Ralph said, "but what has that got to do with the murder?"

"Perhaps everything," I said, and then wisely completed the circle. "Perhaps nothing."

The victim had been Jefferson O'Leary. His niece and her two brothers, his heirs, had been under his roof at the time of the shooting and were therefore the logical suspects.

O'Leary had apparently been shot sometime after lunch—the last time he had been seen alive. None of the suspects admitted to hearing the shot, which, in the case of two of them at least, was believable, for Jefferson's study was in a detached wing of the house and virtually soundproof. None of the suspects, so they again claimed, had known that he was dead until his body had been discovered by one of the servants who was sent to fetch him when he failed to appear for dinner.

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The murder weapon, a target revolver, had been found on the floor beside a spent cartridge. There were no fingerprints on either.

It seemed obvious that the murderer had snatched the revolver from the gun cabinet at one wall, opened a drawer for ammunition—the drawer was still open and a carton of cartridges had been spilt—inserted a single cartridge into the chamber of the weapon, and then shot O'Leary. After the deed, he had wiped his fingerprints off the revolver, removed the spent cartridge from the chamber, and wiped that too.

I studied the ashtray again and then went to the wastebasket. It contained absolutely nothing.

"Ah ha," I said keenly. "What have we here? How did he light his cigarette?"

Ralph was clearly stumped. "All right, Henry, how did he light his cigarette?"

"Ralph, we went through the victim's pockets. No cigarette lighter. No book matches. Nor is there a pack of matches lying about. Nor even a burnt match in either the ashtray or the wastebasket."

I smiled triumphantly. "That can mean only one thing, Ralph. The victim did not ordinarily use a cigarette lighter. Or he simply did not have it with him. And if he was a habitual user of book matches, he was temporarily out. Therefore the murderer obligingly provided his victim with a light, using his own lighter. He allowed O'Leary to take a puff or two and put the cigarette in the ashtray. He then shot him."

Ralph rubbed his jaw. "Maybe the cigarette belonged to the killer. He lit it, got preoccupied with the murder, and forgot to pick it up again when he left."

"No, Ralph. You will notice that the filtertip of the cigarette is facing the victim, just as it normally would when he put it into the ashtray at his side."

"Henry," Ralph said admiringly, "you can get more out of less than anybody I know. What about the cigarette?"

I blinked. "Cigarette! What cigarette?"

"Where did he get the cigarette, Henry? We didn't find a cigarette case on his body or in the room. Or a pack of cigarettes anywhere. Not even an empty one." Ralph continued relentlessly. "So what we have here is that the murderer not only provided his victim with a light, but also the cigarette. All we have to do now is find out which one of our suspects smokes Dromedary Filtertips, and we've got our murderer."

I chuckled tolerantly. "Now, Ralph, murder cases aren't quite that simple."

One of the department technicians now brought me the information that gun-powder grains had been found on the hands of *all* of our major suspects.

I frowned thoughtfully. "Ralph, I smell a conspiracy."

It was clearly now time to question the suspects in depth. They were Amanda O'Leary, age 26, behind whose harlequin glasses lurked violet-green eyes, and her brothers, Eldred O'Leary, a bearded young teacher's assistant at the University, and Hercules O'Leary, a captain in the Air Force, now on leave.

We moved on to the drawing room where they were waiting.

I studied them. "I have just been informed that all of you have gun-powder grains on your hands." I smiled knowingly. "An incredible coincidence. And I do not believe in coincidences."

"Why not?" Amanda O'Leary asked innocently. "Considering all the eons past and all the eons to come, is it not an incredible coincidence that it happens to be today and we are here?"

I had the feeling that this woman might give me trouble. "Can anyone explain about this coincidence?"

"Well," she said, "if we can accept the premise that there really never has been a past and there will be no future, then—"

I quickly held up a hand. "I mean about the *gun-powder* grains."

"Oh, that," Amanda said. "Uncle Jefferson was quite a gun nut and he has a target range in the basement. We were all down there this morning and took our turns at shooting. That explains the powder grains."

"Ah," I said. "A clever ploy. The murderer, realizing that he would be one of the suspects in a limited field of suspects, decided to cut down the odds against him by seeing to it that *all* of you would also have incriminating gun-powder grains on your hands. Now who was it who 'suggested' that all of you go down there and shoot?"

"Actually, it was Uncle Jefferson," Eldred said. "He always insists that we play with him. I would never go voluntarily. I hate guns."

I was only momentarily stymied. "And so one of you, knowing that *all* of you had been impregnated with gun-powder grains, decided to take advantage of that fact and shot your uncle."

"Possibly," Amanda admitted, "but hasn't it occurred to you that perhaps *none* of us committed the murder?"

I regarded her narrowly. "On the other hand, while only one of you may have committed the actual murder, this might very well

be a conspiracy in which all of you participated to some degree or another, including the act of getting gun-powder grains on all of your hands to confound the police."

"Nonsense!" Amanda said. "If this were a conspiracy, we would certainly see to it that we would all have mutually sustaining alibis for the time of the murder, whenever that was. But we don't. We wandered about the house and grounds all afternoon and I suppose that any one of us could have slipped into the study and shot Uncle Jeff."

I continued to close in. "I suppose that all of you are quartered in this house?"

"Just me," Amanda said. "Eldred has an apartment near the University. And Hercules is in the Air Force. He just got in this morning and we were having a sort of family gathering."

Hercules O'Leary nodded. "I'm stationed overseas. This is the first leave I've had in eighteen months."

"By the way," I said cleverly, "which one of you smokes Dromedary Filtertips?"

After reflection, Eldred O'Leary spoke up. "I do. But I really should stop."

I smiled grimly. "It is too late." I almost rubbed my hands. "I have deducted that just prior to shooting your Uncle Jefferson, the murderer gave him one of his own cigarettes and actually lit it for him." I pinpointed Eldred O'Leary with an official eye. "And that cigarette, sir, just happened to be a Dromedary Filtertip."

There were a few moments of stunned silence and then Hercules snapped his fingers. "By George, I just remembered. While it is true that Dromedary Filtertips are not *my* brand of cigarettes, when I arrived here this morning I found that I was out of my own favorites so Eldred graciously let me have a pack of his own."

Eldred blinked. "I did?"

"Of course," Amanda said firmly. "As a matter of fact, I too, just coincidentally, also ran out of my own brand of cigarettes and borrowed a pack of Dromedary Filtertips from you this morning. Don't you remember?" She turned on me with a magnificent smile. "So you see any one of us could have given Uncle Jeff that last cigarette."

She paused as a thought came to her, and then frowned. "Hold everything. Why are we talking cigarettes? Uncle Jeff didn't smoke any more. He quit the habit four months ago."

"Madam," I said, "perhaps under the stress of the moment he suddenly resumed. However, that is beside the point. And that point

is—from *whom* did he get that cigarette? He had no pack on his person nor was there any in the room—therefore I unerringly deduce that the cigarette *must* have been given to him by his murderer. There is no other possibility."

I cogitated further on the matter while they respectfully watched. And then I had it. "But of course. He was trying to *tell* us something."

"Tell us what?" Amanda asked appropriately.

"He was trying to tell us the *identity* of his murderer. He was telling us that his murderer was a man who did not know he had given up smoking."

I turned my authoritative stare to Hercules O'Leary, the Air Force officer. "You, sir, were stationed overseas. You arrived here only this morning. It is obvious you were not aware that your uncle had stopped smoking. Therefore, when he realized that you were about to, or just might, do him harm to the extent of death, he requested a cigarette, which you generously provided for him under the impression that it was a perfectly legitimate last request. You lit the cigarette for him and he left it in the ashtray for us to find as a vital piece of evidence which clearly indicated that his murderer was someone who was not aware that he had quit smoking."

Eldred now interposed. "I suddenly realized that I too didn't know Uncle Jeff had quit smoking. I haven't been in this house for over four months. I feel awfully guilty about that, but what with my teaching and working on my doctorate I just haven't had the time."

"That's awful nice of you, Eldred," Hercules acknowledged, "but it wasn't necessary. I really *did* know that Uncle Jefferson had stopped smoking. He mentioned it in several of the letters he wrote to me. I have them in my luggage."

I turned sternly on Eldred. "You have talked yourself into the noose, or at least life imprisonment, which is usually twelve years and three months. With your own words, you have publicly admitted that you are the only one here who didn't know your Uncle Jefferson had stopped smoking."

Eldred stroked his beard for inspiration. "Come to think of it, while I haven't been in this house for over four months, I *did* have numerous phone conversations with Uncle Jeff. And he told me *often* that he had stopped smoking. However, my memory of that was temporarily blocked from my mind today because of Uncle Jeff's murder and my feeling of guilt over my own inability to do the same. But yes, now I distinctly remember that Uncle Jeff told me he had stopped smoking."

Amanda backed him immediately. "I was *here* when Uncle Jeff made the phone calls. He *did* tell Eldred that he had stopped smoking and he suggested that Eldred do the same."

I went to the window and stared up at the heavenly canopy. "Ralph, why are you just standing there doing nothing?"

"Come to think of it though," Amanda said, "I *do* know someone else who smokes Dromedary Filtertips. Wilbur Tuttle."

I definitely wasn't going to ask her who the devil is Wilbur Tuttle.

Nevertheless she continued. "He's Uncle Jefferson's financial advisor, attorney, and things like that. Uncle Jeff was beginning to have some doubts about him. He had suspicions that Wilbur might be dipping into the O'Leary capital."

Hercules O'Leary joined in. "You don't suppose Uncle Jeff and Wilbur had it out in Uncle Jeff's study this afternoon? And Uncle Jeff threatened to go to the authorities?"

I continued staring at the sky.

"And Wilbur panicked and grabbed one of the target pistols from the wall and shot Uncle Jeff?" Amanda suggested.

Likely story, I thought. What proof did they have? What evidence?

Eldred contributed. "Wilbur probably brought his car around the house and parked at the study-door wing. It rained this morning and there are muddy spots on that driveway. I'll bet his automobile tire-tracks are all over the road. If someone compared those tread marks with the tires on his car, I wouldn't be at all surprised if they were identical."

Hercules agreed. "And I'll bet Wilbur has gun-powder grains on his hands. And he doesn't even have a target range in his basement."

"His place is about a half mile down the road," Amanda said. "I can get you his address."

"All right, Henry," Ralph said, "let's ride over and ask Wilbur some questions."

Wilbur Tuttle was not at home when we reached his residence.

Accompanied by his attorney—and an overnight bag—he had turned himself in at police headquarters some twenty minutes earlier.

It was his story that he and Jefferson O'Leary had gotten into an argument. Tuttle had lost his head, grabbed the pistol from the cabinet, and slipped a cartridge into the chamber. What the argument had been about, he did not choose—on the advice of his attorney—to reveal at this time.

As for the cigarette, Tuttle had, during the argument, tapped one out of his pack for himself and put the pack on the table while he lit up. He had not offered O'Leary a cigarette because he knew O'Leary had given up smoking. Also, it did not seem like an appropriate moment to extend the courtesy.

However, it appeared that O'Leary had been under sufficient stress or anger to decide that the occasion was urgent enough for him to break his nicotine fast. He had helped himself to one of Tuttle's cigarettes and Tuttle had, of necessity—since O'Leary had no matches or lighter—to light it for him. And that cigarette had been resting in the ashtray a minute or so later when their argument reached its climax and Tuttle seized and loaded the gun.

Tuttle maintained that he had put the bullet into the gun merely to frighten O'Leary. The gun had gone off accidentally. He and his lawyer were positive of that.

After the deed, Tuttle had wiped his fingerprints off the gun and the spent cartridge and then, with his own cigarette still in his mouth, had fled to his automobile. He claimed that never for one moment had he considered trying to get away with murder. He simply wanted time to *think*, and also find a good lawyer. Tuttle's lawyer enthusiastically agreed with the wisdom of that.

That evening I was in my apartment swallowing the last two tablets in my vitamin-C jar when the phone rang. It was Amanda.

"Actually, your deduction about the murderer lighting Uncle Jeff's cigarette was absolutely correct. If it hadn't been for that vital, if tiny, fact, who knows but what Uncle Jeff's murder might *never* have been solved."

"Your words of commendation come too late," I said. "I have just swallowed the tablets. All that were in the bottle."

I hung up.

The phone began ringing again immediately.

I sat there smirking, I'm afraid. I would let it ring for three minutes and then answer.

The phone stopped ringing after one minute.

A sudden devastating thought occurred to me. Suppose she sent an ambulance?

I grabbed the telephone book—and discovered that the O'Leary residence was not listed. Damn it, I thought, isn't *anything* going to go right today?

I sat there, inclined to perspire, listening for the siren of an ambulance.

None came.

Instead Amanda appeared at my door in eleven minutes, quite breathless and worried.

I apologized immediately, and when she regained her composure—and her temper—we both had a glass of sherry.

That evening, among other things, we watched a mystery film on TV.

I confidently deduced that the victim's uncle was the killer.

I was wrong and had another sherry. A double.

"Q"

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